KANSAS AID IN SOUTH CAROLINA.—*The Carolina Times* says that Col. Alphens Baker, who has been lecturing through the State upon Kansas affairs, was in Columbia on Friday. He gives very encouraging reports of his success in securing contributions. In Union district the sum of $1,000 was subscribed. Greenville gave $500; Laurens $300, and Winnsboro' $400, with a promise of $1,100 more. The students of Zion College gave $40, and those of South Carolina College $400.

New-York Daily Tribune.

MONDAY, MAY 25, 1857.

TO CORRESPONDENTS.

No notice can be taken of anonymous Communications. Whatever is intended for insertion must be authenticated by the name and address of the writer—not necessarily for publication, but as a guaranty of his good faith.

We cannot undertake to return rejected Communications.

Subscribers, in sending us remittances, frequently omit to mention the name of the Post-Office, and very frequently the name of the State, to which their paper is to be sent. Always mention the name of the *Post-Office* and *State*.

Subscribers to THE TRIBUNE wishing their Post-Office address changed, should in all cases give their present *Post-Office* and *State*, and testify which edition, whether Daily, Semi-Weekly, or Weekly; and club subscribers should give date of subscription. This would frequently prevent delay.

The fearful confusion of ideas which Mayor Wood and his backers are disseminating with regard to the obligatory force of laws deemed unconstitutional, and the proper mode of litigating their validity, cannot possibly mislead such men as write for *The Journal of Commerce*. They know, as well as they know their A B Cs, that it is neither necessary nor proper for one functionary to throw the whole machinery of government into derangement and anarchy, such as now prevails in this City, because he believes that other functionaries have exceeded their legitimate powers. That Mayor Wood has a right to consider the Police Act unconstitutional, and to invoke the judgment thereon of our highest State tribunal, nobody doubts. So far, there is no question pending. Nobody blames the Mayor for taking whatever steps may be necessary to this end. But who will contend that he has a right to involve hundreds of others in the crime and punishment of insubordination and law-breaking? Why should Police Captains be broken for obeying an express act of the Legislature which they believe valid, because Mayor Wood believes it otherwise? It is not yet declared a crime in this State to yield ready obedience to law, even though such law should afterward be invalidated. While the law stands without a single judgment from any tribunal, high or low, against it, a public servant commits no offense by obeying it. By what right, then, is Policeman Dobbins, or doorman Huggins, called upon to decide a State law unconstitutional and treat it with contempt, because somebody else condemns it? Why should he be required to risk his livelihood on his own adjudication of a question on which Charles O'Conor and Judge Edmonds argue one side, while Curtis Noyes and Dudley Field maintain the other? Is it just to throw on him this grave responsibility?

Had Mr. Wood seen fit to make his case and carry it up, letting the law be enforced while the decision of the Court of Appeals shall remain in abeyance, how smoothly all would have proceeded! The Policemen would have performed their duties regularly, without fear of discharge on the one hand or actions for false imprisonment on the other. Law and Order would have been maintained—private rights respected—public security unimpaired. And a very few weeks would have given us that conclusive decision which Mayor Wood dare not impugn, for it is to be pronounced by eminent jurists of whom a majority belong to his party. Who that sees where we now are can doubt that this is the true course?

The Mayor and his friends have made a grand discovery; they have found that the original Charter of this city is not entirely repealed—in fact that it cannot be repealed, nor even invalidated; and so they are going to abolish the Police laws of 1846, which they have so stoutly insisted, are perfectly valid, in spite of the act of 1857, go back to the days of Gov. Dongan, and appoint a city watch. The movement is worth something, as a confession on their part that the old Police Commissioners are in fact turned out of office. But let us see what the truth is in regard to the Dongan and Montgomerie Charter. Some years ago, when there were more grave doubts than now existing as to the rights and authority of the Municipal Government, the most eminent jurist in the country, the late Chancellor Kent, elaborately reviewed all the Charters of the city, including that of 1830, and set forth how much of the oldest had been modified or repealed, and explained the duties and privileges of the Mayor and Common Council, as then existing. The ground taken by the Chancellor was clear and conclusive; he assumed that all the privileges granted by James II., in 1686, through Governor Dongan reaffirmed by Queen Anne in 1708, through Governor Lord Cornbury, finally rehearsed with extreme minuteness and re-granted by George II., in 1730, under Governor Montgomerie, regularly enacted by the General Assembly of the Province in 1732, and confirmed by the State Constitutions of 1777 and 1821, were absolute in law and effect *except* where repealed or modified by State Legislation or fallen into disuse from neglect, change of conditions, or other circumstances growing out of the natural changes in the character of the times and the people. For instance, the power of the Mayor and Common Council to make freemen at £5 per head has never been specifically repealed; it has become obsolete. The time of the City election, however, which was on St. Michael's Day, has been changed by State law, and thereby directly repealed, although the original Charter established this election-day "forever." The old Charter restricted the real estate of the Corporation to so much as had a yearly value of £3,000; that has never been repealed, but other laws, all made by the Legislature, supercede the restriction. But it is unnecessary to go over the ground. A hundred years of unexampled growth; the change from a Dutch to an English population; the transition from colonial dependence to freedom, and more than all, the wonderful advances of science and intelligence, have made the Montgomerie Charter practically a mere curiosity for the antiquary, containing but a single valuable and vital provision, and that is the grant of property. This grant, like nearly all of those called in question at the formation of our independent State government, was fully confirmed, and has never been disputed. The possessions of the city remain, but all the forms of government are necessarily changed; and not until the year 1857 have the people ever imagined that they were independent of the State any more than of the changes wrought by time and circumstance.

With regard to the City Watch, the old charter gave their appointment to the Mayor, Aldermen and Commonalty, and in the same section added surveyors, measurers, gaugers, garblers, beadles, bellmen, keepers of bridewell, keepers of houses of correction, keepers of alms-houses, and criers. Will the Mayor undertake to revive and appoint all of these? for if he can make watchmen he can make a gauger and a surveyor, and a keeper of the alms-house. Chancellor Kent says that the power to appoint some of these has "been superseded by "Legislative regulations incompatible with its exercise." When he wrote, the old Watch system was still in existence, and he said so; but soon afterward, in 1844, the Legislature passed the "Act for the Establishment and Regulation of the "Police of the City of New-York," which sets out with the following rather explicit declaration:

"The Watch Department, as at present organized, is hereby abolished, together with the office of Marshals, Street Inspectors, Health Wardens, Fire Wardens, Dock-Masters, Day Police Officers, Sunday Officers, Inspectors of Pawnbrokers and Junk Shops, and of the Officers to attend the Polls, and the Superintendent of Roads for the Twelfth Ward, except the office of Mayors or First Marshal."

Another section repeals all laws inconsistent with the act. This was amended in 1846, when all conflicting laws were repealed; again in 1849, when a similar repealing clause was enacted; and again in 1853, when every inconsistent act, resolution or ordinance was formally repealed. And, finally, the Amended City Charter of 1857, in which Mr. Wood finds a hope of going back to the ante-revolutionary Charter, says:

"SECTION 54. The act to amend the Charter of the City of New-York, passed April 7, 1830, and the act to amend the Charter of the City of New-York, passed April 2, 1849, and the act to amend an act entitled an act to amend the charter of the City of New-York, passed April 2, 1849, passed July 11, 1851; and the act further to amend the charter of the City of New-York, passed April 12, 1853; and the act supplementary to an act entitled an act further to amend the charter of the City of New-York, passed April 12, 1853; passed June 14, 1853, are hereby repealed; and all laws inconsistent with this act are also hereby repealed; but the charter of the City of New-York known as the Dongan and Montgomerie charter, *so far as the same or either of them are now in force*, shall continue and remain in full force, and shall not be construed as repealed, modified, or in any manner affected thereby. This section shall not prejudice or affect any right accrued or proceeding commenced before this act takes effect."

Therefore, inasmuch as the old watch has been legally abolished, and the Police put under a special State law, and inasmuch as the new Charter says nothing whatever about the Police, we do not exactly see how his Honor is going to revive the system of last century. We think it will be an undertaking beyond even his doubtful powers.

The wrongs of seamen have at last found a hearing in the only quarter in which their vigorous and conclusive vindication could be reasonably expected. After long delay the Chamber of Commerce has taken a single step toward reform. Many commercial houses of great wealth and weight have agreed to discard the pernicious and demoralizing system of advance wages. This is a progress in the right direction which we gladly recognize. If persisted in, it is sure to dethrone the keepers of boarding-houses and grog-shops, and to take from the scoundrels who have so long monopolized the earnings of the sailor their fatal power over unfortunate men. Should this arrangement be consummated, we shall witness closer relations between the employer and the employed, and the shipowner will approach by several degrees nearer to the hard-working and hardly-treated creature to whom he owes his wealth. This will be something germane to the changes which have occurred in the employment of land laborers. If any thing be certain in the most uncertain of sciences (we mean that of Political Economy), it is this: that, labor being the grand producer of capital, it is better that capital, for its own sake, should stimulate, encourage and cheer the thews and sinews upon which it depends. In the abstract, we suppose every merchant understands this. When a ship drops from her dock, and is starting upon her voyage, it is in the power of her owner to make of her crew enemies or allies. Certainly he will not think the chances of the voyage the worse, because the whole forecastle is his friend, or because the master of the ship knows that he feels an interest in the welfare of her company. We think that the change proposed will do something to promote this sympathy. It will, if fully developed, drive the middlemen into a more honest business

But the reform must not stop here. If the sailor is to be elevated to something like respectability, we must pause and ask how it is that he has sunk into such degradation. How is it that he is a century behind every other laborer? How is it that while the farm-workman can lay up a hundred dollars in a year, and at the same time live in a neat homestead, and rear a numerous family, the sailor has no home, and very seldom cultivates social relations? In reply to this interrogatory, it is very easy to beg the question. It costs no very ponderous logic to say that being upon the sea the sailor is not to be estimated by the laws of *terra firma*. It is very pleasant to assert that, being a sailor, he must of necessity be a pauper. A great many folks think it is a triumphant refutation of all accusations to say, "He is a sailor." We do not propose to submit to this summary disposition of the case. There is a degree of refinement in the cabin. The gentleman who takes his daughters across the Atlantic to see Paris, does not find that a ship is intrinsically demoralizing. The captain who swaggers up and down the quarter deck comes home to his family a mild and genial creature. He tosses his baby upon his knee, just as if he had never brained a man with a handspike, and kisses his wife with no touch of homicide in his salutation. We cannot understand why the climate of the stern should be so much healthier than that of the stem. Really, there must have been a formal determination that the sailor should be nobody, and a lurking suspicion that ships cannot pay interest of money without driving, flogging, swearing, starving, cheating and murdering. In this we have one of the few reminiscences of the barbarous ages, in which seamen were keel-hauled and flogged through the fleet. We have abolished the brutality of the cabin, but we are afraid to abolish the brutality of the forecastle.

The commercial world attempts to atone for its sin by building a few chapels, by endowing a few boarding-houses and by subscribing a few dollars. Is it in this way that dust can be thrown into the eyes of God? Will anybody tell us why the sailor should not be as comfortable and as prosperous as any laborer? Why he should not have good wages, good food, good treatment, and a well-ventilated berth? There is nothing which necessitates the meagerness and misery to which he is subjected. At the other end of the ship they have "soft tack," fresh meat, milk, eggs, poultry and wine; in the forecastle, only wormy biscuit, bean-coffee and putrid beef. In the cabin are pleasant conversations and a constant interchange of the amenities of life; in the forecastle only profanity, coarseness and licentiousness. In the cabin are books and games and a hundred expedients to allay the tedium of the voyage; in the forecastle the sole resource is a greasy pack of cards and a dirty pipe. In the cabin is comfort; in the forecastle only squalidity. We take this poor mariner, we cheat him, we starve him, we beat him and in a hundred ways we demoralize him; and when he makes a little desperate protest against our injustice, we bind him over, and, in default of bailors, we put him into jail.

No worker for wages upon the land submits to such injustices. No worker upon the sea should be compelled to submit to them. We must have a radical and thorough reform. If men who earn from $30 to $50 in a month on land are able to sustain families and to provide themselves with all the necessaries and not a few of the luxuries of life, there is no reason why the sailor, whose service is so much harder and involves a risk of health, of life and of limb so much greater, should not have a fair chance of comfort, competence and respectability.

The decision of the five slaveholders in the Dred Scott case that no man of African descent can by any possibility be a citizen of the United States, rests entirely on the contempt for and distrust of the men of that race evinced by the laws of the States up to the time of the Declaration of Independence and since. "It is hardly consistent," says Judge Taney, speaking for these five slaveholders, "with "the respect due to these States, to suppose that "they regarded at that time as fellow-citizens and "members of the sovereignty, a class of beings "whom they had thus stigmatized; whom, as we "are bound, out of respect to the State sovereign- "ties, to assume they had deemed it just and ne- "cessary thus to stigmatize, and upon whom they "had imposed such deep and enduring marks of "degradation; or that, when they met in conven- "tion to form the Constitution, they looked upon "them as a portion of their constituents, and de- "signed to include them in the provisions so care- "fully inserted for the security and protection of "the liberties and rights of their citizens."

Such is the argument, and the whole argument, of these five slaveholders on this point. This argument we propose now to submit to a test which may serve, perhaps, to convince even Chief-Justice Taney himself that this foundation is totally insufficient to sustain the superstructure attempted to be built upon it.

It so happens that persons of African origin and descent have not been and are not now by any means the sole objects of antipathy to the ruling class in these United States. If his Honor the Chief Justice, and his slaveholding brethren on the bench, will bestow a little attention on the history and the statutes of the Colonies and the States, and even upon the existing condition of public sentiment, they will discover another class which has been and is an object of antipathy and suspicion not inferior in amount and intensity to that exhibited toward the negroes. We mean the Catholics. Down to the Declaration of Independence—down, in fact, to the present moment—Catholics have been regarded as a class of citizens very dangerous to the liberties and well-being of the ruling class, against which they might at any time enter into dangerous plots with foreign powers; and whom, therefore, it was, and by a portion of the community still is, deemed "just and necessary" to subject to many discriminations, and to restrain by laws and regulations drawing a marked distinction between them and the rest of the community. The five slaveholders quote Kent's Commentaries as authority for the statement that in 1848 Maine was the only State of the Union in which negroes and persons of African descent stood as to civil rights on a perfect level of equality with the rest of the community. Now, a little study of Colonial history will show these learned Judges that, down to the Declaration of Independence, Pennsylvania was the only one of the original thirteen States in which the Catholics possessed that most valuable of all social privileges, the right of the public worship of God, according to the dictates and with the ceremonies of their own religion—an inestimable and transcendent right, never yet denied to the negroes, bond or free, in any of the States of the Union, so far as we are aware, though in some of them it has been subjected, particularly of late, to certain restrictions, such as the holding of the meetings in the daytime and in the presence of one or more white men.

In the Chief Justice's own State of Maryland, though that province had been originally planted by a Catholic colony, and though many of the wealthiest inhabitants, including his own ancestors, were of that faith, this antipathy against Catholics, and precautionary and restrictive legislation against them, were carried to great lengths; doubtless for the same reason which prompts the greater severity of the laws of the Slave States against free negroes—because their number, position and influence were thought to make them more formidable. Mass could not be said publicly; Catholics were forbidden to preach or to teach; children were even tempted to change their religion by the offer of an immediate share in the property of their Catholic fathers. So mortifying and annoying were the disabilities to which the Catholics of Maryland were subjected by the legislation of that State, that the father of Charles Carroll, though one of the wealthiest men in the province, actually formed in consequence a scheme of emigrating with his family to the new French province of Louisiana, just as the Maryland colored men of to-day are driven by similar enactments to contemplate emigration to Liberia. In Massachusetts and New-York, Catholics were regarded as no better than chronic plotters, if not at all times in fact, at all events in inclination, with the French of Canada, for the subjugation of these Protestant provinces to a hated and dreaded Catholic domination—a very similar light to that in which free colored men are now regarded in several Southern States. Any "Jesuit or Popish priest" who presumed to come within their territories was, in the language of their statutes, strongly resembling the phraseology of laws now in force in some Southern States as to free negroes coming into them, "to be deemed and ac- "counted an incendiary and disturber of the public "peace and safety," and more than all that, "an "enemy of the true Christian religion"—a charge, and a pretty serious one too, never yet brought that we are aware, against free negroes. The punishment denounced by these acts against such intruders was perpetual imprisonment, or death if an escape were attempted; a pretty fair offset to the Carolina laws, though, it must be confessed, not quite coming up to their mark for selling into perpetual bondage free negro sailors who, being cast away, instead of resigning themselves to be swallowed up by the more merciful waves, had the audacity to land on Carolina's hospitable coast.

So exact, indeed, was the level upon which the Catholics and negroes stood in the city and province of New-York, that when, in the year 1741, nine fires which occurred in the city in rapid succession suggested the idea that they must be set by incendiaries, the negroes and the Catholics were involved together in the same suspicion, and, along with a number of negroes, a non-juring English schoolmaster, suspected of being a Catholic priest in disguise, and of stimulating the negroes to burn the city by promise of absolution, was condemned and executed.

Even in Pennsylvania itself—though one of the articles of Penn's "Great Law" as he entitled it, in the code which he himself framed for the colony, professed to secure toleration to all persons who confess and acknowledge the one Almighty and Eternal God to be the creator, upholder and ruler of the world, *and that hold themselves obliged in conscience to live peaceably and justly in civil society*—Catholics were not tolerated in the early stages of the colony; no doubt on the ground of the charge then, and even now, urged against Catholics, that, where the interests of their Church are concerned, they can readily find priests to absolve them from all other obligations. About 1734, the Catholics, having become considerably numerous in Philadelphia, mustered courage to build a church; which no sooner had they done, than a good many leading persons in the city, including the then Governor of the colony, were thrown into great alarm and trepidation, evinced in distribes against this poor Catholic church, similar to those lately uttered by ex-Mayor Lennox, of the City of Washington, against the school for colored females recently established in that city. Governor Gordon was for instantly enforcing against the Catholics the English penal laws, just as ex-Mayor Lennox cries out for putting into practice in the District of Columbia the laws of Virginia and South Carolina against colored schools. The Governor failed to carry the Council with him—an augury, we hope, of ex-Mayor Lennox's success, and so at the date of the Revolution there was *one* and only one State in which the Catholic worship was tolerated.

Nor did this prejudice against Catholics die out with the Revolution. By the early State Constitutions of New-Hampshire, New-Jersey, North Carolina, South Carolina and Georgia, Catholics were expressly excluded from the chief offices of state. Rhode Island and Connecticut went on with their colony charters and laws. The Constitution of Virginia treated Catholics precisely as it did the negroes, by continuing the colony laws in force. In Maryland and Massachusetts, all officeholders were obliged to declare their belief in the "Christian religion," under which class a Court as stiff for Protestantism as Taney's Court is for Slavery would have little hesitation in saying that, taking the current sentiment of the colonists into view, by whom Popery and idolatry were regarded as synonymous, Catholics could not rationally be considered to be included.

Now what would Mr. Chief Justice Taney say to an argument which should treat him as an intruder and interloper, disqualified to sit upon the bench of the Supreme Court, because he is a Catholic? And yet why should not he, did he happen to be put on the spit to be roasted, consent to be basted with the sauce which he has himself mixed for the free negroes? What says Mr. Chief Justice? Is this, or is it not, one of the cases in which sauce for the gander is sauce for the goose? and if not, why not? Perhaps our Chief Justice, thus in danger of being hoisted by his own petard, may appeal to that clause of the Constitution of the United States—the only one, we believe, in which any mention of religion is made—by which Congress is forbidden to make any law respecting an establishment of religion, or prohibiting the free exercise thereof. But in his own exposition of the true meaning both of the Declaration of Independence and of the Constitution itself, he has taught a short and easy method, just as applicable to the case of Catholics as to that of negroes.

The Chief Justice quotes from the Declaration of Independence the following famous paragraph, which Anti-Slavery men have so long triumphantly relied upon, as if making on their side:

"We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them are life, liberty and the pursuit of happiness; that to secure these rights governments are established, deriving their just powers from the consent of the governed."

This famous clause Mr. Chief Justice explains away as follows:

"The general words above quoted would seem to embrace the whole human family; and, if they were used in a similar instrument at this day, would be so understood. But it is too clear for dispute that the *enslaved* African race [ah! trickster, but the question is not as to enslaved Africans, but free Africans] were not intended to be included. * * * They [i. e. the framers of the Constitution] spoke and acted according to the then established doctrines and principles, and in the ordinary language of the day, and no one misunderstood them. The unhappy black race were separated from the white by indelible marks and laws long before established, and were never thought of or spoken of except as property."

With this precedent in his eye, a Chief Justice as rampant for religious exclusiveness and persecution as Taney is for Slavery might exclaim, "The word religion in the above cited clause of "the Constitution, might seem to include the Cath- "olic belief. In a similar instrument of the pres- "ent day, it would be so understood. But it is too "clear for dispute that it did not include the perse- "cuted and disfranchised Papists. The framers of "the Constitution must be supposed to speak ac- "cording to the established doctrines and principles "and in the ordinary language of the day. The "unhappy Catholics were separated from the Pro- "testants by indelible marks and laws long before "established, and were never thought of or spoken "of except as idolaters."

To take another lesson in fence from our practical Chief Justice: The fifth amendment to the Constitution, which provides that "no person shall "be deprived of life, liberty or property without "due process of law," has often been quoted as an evidence that the Federal Constitution does not tolerate Slavery. On the other hand, says our sharp practitioner, "that very clause forbids Con- "gress to prohibit the introduction of Slavery into "the Territories, because that would be to deprive "slaveholders of their property without due process "of law." So might it be said as to the above cited clause about religion: "Looking at the spirit and "feeling of the times and the then established doc- "trines and principles, as evinced in the laws of the "States, the true intent of this restriction upon "the power of Congress was to prevent them from "ever passing or attempting to pass any laws by "which the country might be subjected to a hor- "rible calamity, and the very Union itself endan- "gered, by having a JESUIT for Chief Justice." This seems to be putting the case home; but, if the Chief Justice is not yet satisfied of the untenableness of his argument, we have some additional considerations to offer.

The N. Y. Express is a journal to which we try to accord the widest possible berth, preferring to go on in our own path and leave it to do likewise. This policy does not seem to agree with the necessities or the tactics of our cotemporary. Being now engaged in the rather delicate and difficult task of carrying over the "Americans" to the camp of Buchanan, Wood and the Slave Democracy, it realizes a necessity for picking as many quarrels with Republicans as possible, representing their leaders as stained by all manner of profligacy and infamy, and their legislative acts, even those which were supported in the Senate by one of its own proprietors and editors, as corrupt, tyrannical, outrageous. Hence, *The Express* misses no opportunity that offers for fastening a quarrel on THE TRIBUNE. We do not complain of this—we only state it.

The Express copies from our last part of the article which asserts the overwhelming preponderance of Free-State men in Kansas, and their successively and peacefully wresting, by purchase or settlement, town after town from the Pro-Slavery men, and thereupon asks—

"(1.) Why, then, so many declarations about Kansas becoming a Slave State? (2.) Why advise Free-State men not to be registered and not to vote? (3.) Why not to enjoy the fruits of a Free-State Constitution, without aiming to prevent Free-State men from making such a Constitution?"

—To which catechism, thus responds THE TRIBUNE:

1. "Declarations" where? by whom? When Kansas had but a handfull of white people within her borders, and those mainly claim-hunters from Missouri, whose families still resided in the most intensely Pro-Slavery section of that State, there was great and imminent danger that Kansas would be made first a Slave Territory and in due course a Slave State. But for seasonable, earnest, organized, self-forgetting effort in the North, we believe this destiny was inevitable. Impartial observers assure us that there was probably a small Pro-Slavery majority in Kansas so late as the first election of Delegate to Congress under the Nebraska Act, in the Autumn of 1854, when Whitfield succeeded over Wakefield and Flenniken. But this preponderance was reversed soon after, through systematic Northern effort; and Kansas has, at least since Jan. 1, 1855, been decidedly hostile to Slavery. The danger, however, of a wholesale suppression of the popular will, through concerted irruption and fraudulent voting by Pro-Slavery Missourians, was proved to be real by the election of March 30, 1855, when three times as many bogus as legal votes were thus thrown, the number of votes polled exceeding that of the entire population. A bogus, usurping local government was thus created, which has ever since been kept in oppressive existence through the countenance and support wickedly accorded it by the Federal Executive and Senate, with some aid in past years by successive warlike incursions from Missouri. But now the population has become so large and the Free-State preponderance so decided, that it is morally impossible henceforth to make Kansas practically and permanently a Slave State. That danger has been happily averted by efforts and sacrifices which *The Express* has disparaged and defamed from first to last. More than Twenty Thousand Dollars have been contributed through the office of this paper, with still more through other channels, to provide the Free-State men of Kansas with the means of defense, and to preserve those of them whom the Border Ruffians plundered and ravaged during the forays of last Summer from being driven out by starvation. We do not know that all the money so contributed has been wisely expended—probably some of it has not—but we have no doubt that Kansas has been saved by its aid from enslavement. It is possible that the bogus Convention about to be chosen may proceed to frame a Slave Constitution, or, more probably, one silent with respect to Slavery, under which it may be plausibly contended that Slavery, having been recognized and established by the bogus Legislature, still legally and rightfully exists; but that cannot long avail against the overwhelming Free-State preponderance aforesaid. Kansas will assuredly be a Free State; and the political gamblers who have so long held her in subjection to a notorious and oppressive Pro-Slavery usurpation, are now plainly maneuvering, first, to prostrate the Free-State party and make her what they call a "National Democratic" Free State; and, secondly, to concoct and force through a new compromise, whereby a slice shall be cut from her southern border and pieced on to a new Slave State which they intend to form from the Indian Territory. If they had any show of Pro-Slavery strength in Kansas, the "National Democratic" leaders would persist in their efforts to make her a Slave Slave; but they have so utterly gone under in the immigration of the past nine months that they now only hope and strive to make her a Pro-Slavery Free State, like California. And this is just what Buchanan, Cass, Walker, Stanton & Co. are now working for.

2. We *did not* advise the Free-State men of Kansas "not to be registered, and not to vote." We cautiously abstained from giving any advice at all on this point. When they had held a full delegated State Convention and therein *unanimously* resolved to take no part in the bogus Legislature's Constitutional Election, we considered their reasons, concluded that they had judged wisely, and supported their position to the extent of our ability. We never advised them on this point—we have simply and heartily sustained them in their own decision. The advice so plentifully showered upon them with regard to this matter has come entirely from the other side—that which pretends great aversion to "outside interference" in the affairs of Kansas. Let *The Express* henceforth remember this, and not repeat imputations which, if once made in good faith, can be made so no longer.

3. The Free-State men of Kansas *have made* a Free-State Constitution already, and the House of Representatives has recognized and approved it. They would have long since "enjoyed the fruits" of such action but for Missouri invasions, Presidential fulminations and the whole power of the Federal Administration and the "National Democracy" put forth to deprive them of such "fruits"—an unjust and oppressive policy which, we deeply regret, has been countenanced and upheld throughout by *The Express*.

Having made such a Constitution and been so denounced and persecuted for it, we see not why the Free-State men should discredit the work of their hearts and hands by making another. If the Pro-Slavery men want a different instrument, it is but natural that they should set about making it; and, after theirs is made, we shall be happy to cooperate, by advice, entreaty or otherwise, in securing a fair and full vote of the People of Kansas evincing their preference for the one or the other of these instruments. Let one judge and one clerk of elections be chosen by each party for every poll; let the two judges agree on a third, or, if agreement be impossible, let them cast lots for the right to name him; and let every voter be required solemnly to swear that he is an actual citizen of Kansas, having no home elsewhere; and let each vote and the voter's name be recorded—the choice being "Topeka Constitution" or "Lecompton Constitution," as to each voter shall seem good. If our friends are fairly voted down in such a contest, we will zealously urge them to submit, provided that our adversaries make a like stipulation. Why is not this fair? What says *The Express*? You have asked your own questions; will you let your readers see our answers?

Mr. Robert T. Haws having concluded, several days since, not to act as a Commissioner of Excise, the Judges on whom is devolved the duty of appointing a successor have agreed to disagree on that subject, and have postponed a choice till Wednesday. The two remaining Commissioners have also adjourned over to that day. We fear these successive delays and inefficiencies will afford some sort of pretext for lawyers' cavils and quibbles as to the act being in force in our City—there being